

05-24-2005



RECC 103008494  
TRADEMARKS ONLY

5/12/05

To the Director of the U. S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies):

Richard A. Deer

- Individual(s)       Association
- General Partnership       Limited Partnership
- Corporation- State: \_\_\_\_\_
- Other \_\_\_\_\_

Citizenship (see guidelines) \_\_\_\_\_

Additional names of conveying parties attached?  Yes  No

2. Name and address of receiving party(ies)

Additional names, addresses, or citizenship attached?  Yes  No

Name: Body Dynamics, Inc.

Internal

Address: \_\_\_\_\_

Street Address: 9700 North Michigan Road

City: Carmel

State: Indiana

Country: U.S.A.      Zip: 46032

- Association      Citizenship \_\_\_\_\_
- General Partnership      Citizenship \_\_\_\_\_
- Limited Partnership      Citizenship \_\_\_\_\_
- Corporation      Citizenship U.S.
- Other \_\_\_\_\_      Citizenship \_\_\_\_\_

If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No  
(Designations must be a separate document from assignment)

3. Nature of conveyance )/Execution Date(s) :

Execution Date(s) 5/9/05

- Assignment       Merger
- Security Agreement       Change of Name
- Other \_\_\_\_\_

4. Application number(s) or registration number(s) and identification or description of the Trademark.

A. Trademark Application No.(s)  
78/401,405

B. Trademark Registration No.(s)

Additional sheet(s) attached?  Yes  No

C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):

5. Name & address of party to whom correspondence concerning document should be mailed:

Name: Krieg DeVault LLP, Gregory B. Coy

Internal Address: \_\_\_\_\_

Street Address: One Indiana Square, Suite 2800

City: Indianapolis

State: Indiana      Zip: 46204-2079

Phone Number: 317-636-4341

Fax Number: 317-238-6371

Email Address: gcoy@kdlegal.com

6. Total number of applications and registrations involved:

1

7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 40.00

- Authorized to be charged by credit card
- Authorized to be charged to deposit account
- Enclosed

8. Payment Information:

a. Credit Card      Last 4 Numbers 1013  
Expiration Date 04/09

b. Deposit Account Number \_\_\_\_\_  
Authorized User Name \_\_\_\_\_

9. Signature:

Gregory B. Coy  
Signature

May 9, 2004

Date

Gregory B. Coy

Name of Person Signing

Total number of pages including cover sheet, attachments, and document: 2

Documents to be recorded  
Mail Stop Assignment Records



to (703) 306-5995, or mailed to:  
Box 1450, Alexandria, VA 22313-1450

05-12-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #72

TRADEMARK  
REEL: 003164 FRAME: 0725

05/23/2005 JTB/LRE 0000013 78401405 40.00 00 01 FC:6521

**TRADEMARK ASSIGNMENT**

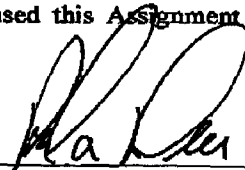
WHEREAS, Richard A. Deer, an individual, having a place of business at 9700 North Michigan Road, Carmel, Indiana 46032 (hereinafter "Assignor"), is the owner of the following trademark and the identified registration application therefor:

**Mark: ULTIMATE ENERGIZER EF**  
**U.S. Trademark Registration Application No.: 78/401,405**  
**Filed: April 14, 2004**

WHEREAS, Body Dynamics, Inc., a corporation of the State of Indiana, having a place of business at 9700 North Michigan Road, Carmel, Indiana 46032 (hereinafter "Assignee"), desires to acquire said Mark.

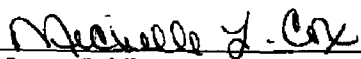
NOW, THEREFORE, for good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, Assignor does hereby assign and transfer unto Assignee the entire right, title and interest in and to the Mark, together with the goodwill of the business symbolized by the Mark, and the Registration and pending registration application therefore.

IN WITNESS WHEREOF, Assignor has caused this Assignment to be executed and effective as of this 9th day of May, 2005.

  
\_\_\_\_\_  
Richard A. Deer

STATE OF INDIANA     )  
                                  ) ss:  
COUNTY OF MARION    )

Before me, a Notary Public, in and for said County and State, personally appeared Richard A. Deer, who, being first duly sworn upon his oath, acknowledged the execution of the foregoing "Assignment" as his voluntary act and deed.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 11/10/2010

Printed: Michelle L. Cox

Resident of Hamilton County

KD\_1M-609769\_1.DOC

MICHELLE L. COX  
NOTARY PUBLIC  
STATE OF INDIANA  
MY COMMISSION EXPIRES NOV. 10, 2010